IN THE HIGH COURT OF BOMBAY AT GOA.

CRIMINAL WRIT PETITION NO. 14 OF 2002.

Joseph Fernandes,
Central Jail, Aguada. ... Petitioner.

Versus

State (through Inspector
General of Prisons, Panaji,
Goa. ... Respondent.

Miss Ratna Prabhu, Advocate for the Petitioner.

Mr. A.P. Lawande, Public Prosecutor for the State.

Coram: P.V. HARDAS, J.

Date: 21st June 2002.

ORAL JUDGMENT.

By consent, rule made returnable forthwith.

2. The petitioner has filed the petition challenging the Order dated 7th January 2002, passed by the Inspector General of Prisons, Panaji, Goa, refusing the request of the petitioner for parole on the ground that the grant of parole is not justified in public interest.

3. The petitioner has stated that he has already undergone the substantive term of imprisonment and is at present undergoing the imprisonment for default in the payment of fine. Out of the default sentence of 6 months only about one month and 25 days remain and the petitioner is due for release on 11th August 2002. The petitioner had requested for parole on the ground that

his mother was suffering from diseases like diabetes, high pressure and other ailments associated with advanced age. In the reply filed by the Inspector General of Prisons, Panaji, Goa, as well as in the Order impugned in the present petition no reasons have been given for rejection of the application of the petitioner.

4. In view of this, the Order impugned in the petition dated 7th January 2002 is, hereby, quashed and set aside and the Inspector General of Prisons, Panaji, Goa, is directed to decide the application of the petitioner afresh, if necessary, after calling for a report, within 3 weeks from today.

5. In view of what was stated above, rule is made absolute in the above terms with no Order as to costs.

(P.V. HARDAS)
JUDGE.

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